



**Town of Walpole  
Commonwealth of Massachusetts  
Zoning Board of Appeals**

John Lee, Chair  
Susanne Murphy, Vice Chair  
Bob Fitzgerald, Clerk  
Jane Coffey, Member  
Drew Delaney, Member  
David Anderson, Assoc. Member

**DECISION- BOARD OF APPEALS CASE NO. 21-7  
A REVISION OF ORIGINAL CASE NO. 2-89, & REVISION CASE 30-92**

**APPLICANT:**

Town of Walpole (Septage Facility)

**OWNER OF RECORD:**

Town of Walpole

**LOCATION OF PROPERTY INVOLVED:**

130 Robbins Road  
Assessors Map: D509-1  
Zoning District: LM

**APPLICATION:**

A **Modification** to a previously issued Special Permit (original Case No. 2-89, dated 3/18/89, and revision Case No. 30-32, dated 1/6/93) to modify Condition No. 3, relating to the changing of the hours of operation during school days (Monday-Friday) from 8:30 a.m. – 2:00 p.m. to 8:00 a.m.- 2:30 p.m., at the Town of Walpole Septage Facility, located at 130 Robbins Road, Walpole, MA 02081.

On June 23, 2021 a Public Hearing was opened and held remotely via ZOOM Conference, for the purpose of receiving information and voting upon a decision as to the granting of a Special Permit.

On June 23, 2021 the following members were present and voting:

John Lee, Chairman  
Susanne Murphy, Vice Chair  
Bob Fitzgerald, Clerk  
Jane Coffey, Member  
Drew Delaney, Member

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A motion was made by Mrs. Murphy, and seconded by Mrs. Coffey to grant a **Modification** to a previously issued Special Permit (original Case No. 2-89, and revision Case No. 30-32) to modify Condition No. 3, relating to the changing of the hours of operation during school days (Monday-Friday) from 8:30 a.m. – 2:00 p.m. to 8:00 a.m.-2:30 p.m., at the Town of Walpole Septage Facility, located at 130 Robbins Road, Walpole, MA 02081.

The vote was (5-0-0) in favor; Roll Call Vote: Lee-aye, Murphy-aye, Fitzgerald-aye, Coffey-aye, Delaney-aye; therefore, the application for a **Modification** of Condition No. 3 of the previously granted Special Permit to revise the hours of operation to 8:00 a.m. to 2:30 p.m. is hereby granted.

Zoning Board of Appeals

RECEIVED  
21 JUL - 6 AM 11:08  
TOWN OF WALPOLE  
TOWN CLERK

## REASONS FOR DECISION:

It is the finding of the Board that the Applicant was able to adequately provide information to support the change in hours of operation. The applicant stated that the previously permitted hours of operation were placed in the ZBA decisions of 2-89 and 30-32 specifically due to concerns directly relating to traffic and the safety of school-aged children. The applicant stated that the reason for the requested change in hours of operation is due to the septage haulers experiencing tight time constraints on their hauling, and has therefore been directed by the Sewer & Water Commission to mitigate the situation. Mr. Mattson explained that there is one hauler in particular has a commercial and out of town account that is very beneficial to the town since they frequent the facility often, however this specific account experiences the biggest restriction during the current hours of operation, and that losing this hauler would result in financial costs of the town. Furthermore, the applicant submitted letters to the board at the public hearing from Walpole Public Schools, Police Department, Fire Department, and Town Engineer expressing their support of the requested change in hours of operation, along with stating that the requested change will have minimal to no impact on the traffic and safety at Johnson Middle School during the school days (Monday through Friday).

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Massachusetts General Laws c. 40A, §11 provides in pertinent part as follows: "A special permit, or any extension, modification or renewal thereof, shall not take effect until a copy of the decision bearing the certification of the city or town clerk that 20 days have elapsed after the decision has been filed in the office of the city or town clerk and either that no appeal has been filed or the appeal has been filed within such time, or if it is a special permit which has been approved by reason of the failure of the permit granting authority of special permit granting authority to act thereon within the time prescribed, a copy of the application for the special permit-accompanied by the certification of the city or town clerk stating the fact that the permit granting authority or special permit granting authority failed to act within the time prescribed, and whether or not an appeal has been filed within that time, and that the grant of the application resulting from the failure to act has become final, is recorded with the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner on record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed special permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone. This section shall in no event terminate or shorten the tolling, during the pendency of any appeals, of the 6 month periods provided under the second paragraph of section 6. The fee for recording or registering shall be paid by the owner or applicant.

**APPEALS FROM THIS DECISION FOR A SPECIAL PERMIT, IF ANY, SHALL BE MADE PURSUANT TO MASSACHUSETTS GENERAL LAWS CHAPTER 40A, SECTION 17, AND SHALL BE FILED WITHIN TWENTY DAYS AFTER THE DATE OF FILING OF THE NOTICE OF DECISION IN THE OFFICE OF THE CITY OR TOWN CLERK.**

WALPOLE ZONING BOARD OF APPEALS

Robert Fitzgerald *RF*  
Robert Fitzgerald, Clerk

RF/am

cc: Town Clerk  
Applicant  
Building Inspector

This decision was made on June 23, 2021 and filed with the Town Clerk on July 6, 2021

Zoning Board of Appeals